THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1762 of 2005

21-09-2005

Between:

Dondu Ram.

.....APPELLANT

AND

The Mandal Revenue Officer, Bahadurpura Mandal, Hyderabad District.

.....RESPONDENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1762 OF 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

The writ petitioner alleged that he had purchased 177 sq. yards of house site in Bandlaguda, Hyderabad under registered sale deed. He alleged that on 08.9.2005, the Mandal Revenue Officer threatened to demolish the structures, as according to him, the petitioner was an encroacher.

The Government, on the other hand, took the stand that this was surplus land under Urban Land Ceiling Regulation Act, 1976 and the Government had taken its possession on 25.5.1995 and the land has already been handed over to the Education Department for construction of a school building on 18.6.2004.

The petitioner sought a direction that the respondent should not interfere with his possession. Since the respondent has contended that possession was already with the Government, in our view, the learned single Judge was right in dismissing the writ petition. It involves merely a question of fact as to who is in possession of the land in question, which, we may not be able to decide in these proceedings. The writ appeal is accordingly dismissed. However, the appellant is at liberty to seek any alternative remedy that may be available to him in law. No order as to costs.

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(BILAL NAZKI, ACJ)

21st September 2005.

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ajr (R.SUBHASH REDDY, J)